



Community Development Department  
Planning Division  
12725 SW Millikan Way / PO Box 4755  
Beaverton, OR 97076  
General Information: (503) 526-2222 V/TDD  
[www.BeavertonOregon.gov](http://www.BeavertonOregon.gov)

**CITY OF BEAVERTON  
STAFF REPORT AND RECOMMENDATION**

**TO:** Planning Commission

**STAFF REPORT DATE:** Wednesday, January 20, 2016

**STAFF:** David Levitan, AICP, Senior Planner  
Cassera Phipps, Associate Planner

**SUBJECT:** Legislative Amendment to Volume III of the City of Beaverton Comprehensive Plan, Ordinance 4187, as amended.

1. CPA2015-0008 – South Cooper Mountain Local Wetland Inventory (LWI)

**REQUEST:** The City proposes adoption of the Local Wetland Inventory for the South Cooper Mountain Annexation Area as Appendix F of Volume III (Statewide Planning Goal 5 Resources Inventory Documents) of the City of Beaverton Comprehensive Plan.

**INITIATED BY:** City of Beaverton

**APPLICABLE CRITERIA:** Criteria for the proposed amendment are listed in Comprehensive Plan Section 1.5 *Criteria for Legislative and Quasi-judicial Comprehensive Plan Amendments*; and Section 1.5.3 *Criteria for Statewide Planning Goal 5 Inventory Resource Documents (Volume III) Comprehensive Plan Amendments*

**HEARING DATE:** Wednesday, January 27, 2016

**RECOMMENDATION:** Staff recommend the Planning Commission review the LWI documents, hold a public hearing, and recommend approval of CPA2015-0008 to the City Council.

## 1. Background

The citywide *Local Wetland Inventory (LWI) and Riparian Assessment* adopted in 2000 included several areas of unincorporated Washington County that were within the Urban Growth Boundary (UGB) and the city's Urban Service Boundary (USB) at that time. The South Cooper Mountain Annexation Area (SCMAA), an approximately 544 acre area added to the UGB in 2011 and annexed into the city in 2013, was not included in the original citywide LWI. Therefore, the City was required to conduct a LWI specifically for the SCMAA, subject to review and approval by the Department of State Lands (DSL).

The draft LWI for SCMAA was initially prepared in concert with the *South Cooper Mountain Concept Plan* project with the objective of adding it as an amendment to the city's existing LWI contained in Volume III of the city's Comprehensive Plan (Statewide Planning Goal 5 Inventory Resource Documents) upon final approval by DSL. The proposed amendment (CPA2015-0008) pertains only to addition of the SCMAA LWI to Volume III.

No new natural resource protection requirements or programs are proposed as part of this amendment, nor are changes or revisions to the existing citywide LWI in Volume III proposed. Future changes to the Development Code to provide additional regulation of natural resources, including wetlands, would be initiated independently as directed by the City Council.

As stated in the November 26, 2014 staff report for the *South Cooper Mountain Community Plan*<sup>1</sup>, the SCMAA LWI was conducted pursuant to Oregon Administrative Rule (OAR) 141-086 for Statewide Planning Goal 5 compliance. Wetlands are among the resources local governments are required to address under Goal 5. Wetlands are defined in OAR 141-086-0370(9) as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions".

Wetland function and condition assessment were evaluated for wetlands greater than one-half acre using the Oregon Freshwater Wetland Assessment Method (OFWAM). OFWAM results were used to determine if any of the SCMAA wetlands qualify as "locally significant wetlands" in accordance with criteria set forth in OAR 141-0-086-0350. Following DSL guidance, "probable wetlands" (wetlands under ½ acre in size) were not included in the evaluation of "locally significant wetlands".

With adoption of the *South Cooper Mountain Community Plan* in January 2015, the City acknowledged wetlands W-A, W-C and W-H described in the *South Cooper Mountain Annexation Area Local Wetland Inventory (December 2013)*<sup>2</sup> as "locally significant wetlands" subject to pending review and approval by the Oregon Department of State Lands (DSL). Subsequently, several revisions have been made to the LWI as requested by DSL and are reflected in the most recent draft of the *South Cooper Mountain Annexation Area Local Wetland Inventory (September 2015)* report attached as Exhibit 1. This report documents the regulatory requirements, methodology, and results of the inventory.

---

<sup>1</sup> CPA 2014-0011, CPA 2014-0012, and TA 2014-0002

<sup>2</sup> David Evans & Associates (DEA)

Once approved by DSL, the LWI must be used in place of the National Wetlands Inventory (NWI) and is incorporated into the State Wetlands Inventory (SWI). The approved LWI must be used by cities and counties in lieu of the NWI to notify DSL of land use applications affecting mapped wetlands and other waters. The LWI is used by DSL, other agencies and the public to help determine if wetlands or other waters are present on a particular land parcel.

The LWI provides information for planning purposes on the location of potentially regulated wetlands and other waters such as lakes and streams, but is not of sufficient detail for permitting under the state Removal-Fill Law (ORS 196.800 through 196.990). A detailed DSL-approved project level wetland delineation report for wetlands identified in the LWI is typically required prior to site development.

## **2. Comprehensive Plan Amendment Procedures**

Section 1.1.1 establishes procedures for city-initiated amendments of the Comprehensive Plan, stating that amendment requests shall be submitted to the Community Development Director for preparation and analysis for a Planning Commission public hearing or City Council consideration. The Planning Commission and City Council have the right to accept, reject or modify any specific request for amendment in accordance with the City's policies and procedures.

Section 1.4.1 establishes the notice requirements for legislative amendments including: inter-agency notice of the initial hearing to the Department of Land Conservation and Development (DLCD), as well as to Neighborhood Association Committees (NACs) and BCCI; publication in a newspaper of general circulation; posting in Beaverton City Hall and the Beaverton City Library; and posting on the city's website.

Section 1.4.4 Statewide Planning Goal 5 Inventory Resource Document (Volume III) Amendments

- A. If the proposal is legislative in nature, as in an update to one of the Statewide Planning Goal 5 Inventory Resource Documents or an addition of a new category of Statewide Planning Goal 5 Resource Documents, then notice shall follow the legislative notice procedure identified under subsection 1.4.1.**

**Finding: The proposed amendment adding the SCMAA LWI to the Comprehensive Plan is legislative in nature; therefore the notice procedures identified in subsection 1.4.1 have been followed with notice provided as specified on January 7, 2016. Staff finds this criterion is met.**

Section 1.5.1 outlines the criteria for legislative amendment decisions. For the proposed addition of the SCMAA LWI to Volume III, the findings are as follows:

- A. The proposed amendment is consistent and compatible with relevant Statewide Planning Goals and related Oregon Administrative Rules;**

Of the 19 Statewide Planning Goals, the following are relevant to the proposed amendment: Goal 1 (Citizen Involvement); Goal 2 (Land Use Planning); Goal 2 (Land Use Planning); Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces); Goal 6 (Air, Water and Land Resources Quality); Goal 9 (Economic Development); Goal 10 (Housing); Goal 11 (Public Facilities and Services); Goal 12 (Transportation); and Goal 14 (Urbanization).

### **Goal 1 - Citizen Involvement**

Statewide Planning Goal 1 calls for cities and counties to “develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process”, and that “the citizen involvement program shall be appropriate to the scale of the planning effort”.

The Beaverton Citizen Involvement Program adopted by Resolution 2229 in 1980, established a formalized public participation program for the Beaverton Committee for Community Involvement (BCCI) that provides a method by which the committee and other community members can communicate their opinions and inquiries about city matters, including the planning process.

The Community Involvement Element (Chapter 2) of the city’s comprehensive plan was updated in 2015. Goal #1 in this chapter provides direction for public outreach, notice requirements and community involvement opportunities.

Extensive public involvement for the South Cooper Mountain Concept and Community planning process that commenced in 2013 included direct contact with property owners to inform them of the LWI to be conducted and to seek their permission to access properties within the SCMAA. Over the course of the 18-month public planning process multiple opportunities were provided for the public to review combined natural resource maps and reports that included wetlands, streams, riparian areas, buffers and upland habitat and information related to these resources in the project area.

The formal review process for the LWI included a public meeting for all property owners in the SCMAA on January 14, 2016 pursuant to OAR 141-086-228; a meeting summary is provided in Exhibit 4. LWI maps and related materials were placed on the city’s website on January 7, 2016 to allow public review prior to the public hearing before the Planning Commission held on January 27, 2016. At a public meeting on January 6, 2016, the Planning Commission held a work session to review and discuss the LWI, and the results of the economic, social, environmental and energy (ESEE) analysis for the locally significant wetlands in the study area that was completed in December 2015.

### **Goal 2 – Land Use Planning**

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 2 includes guidelines for local government development of land use plans, as follows:

#### **GUIDELINES**

The applicable guidelines are addressed, below:

#### **B. REGIONAL, STATE AND FEDERAL PLAN CONFORMANCE**

*It is expected that regional, state and federal agency plans will conform to the comprehensive plans of cities and counties. Cities and counties are expected to take into*

*account the regional, state and national needs. Regional, state and federal agencies are expected to make their needs known during the preparation and revision of city and county comprehensive plans. During the preparation of their plans, federal, state and regional agencies are expected to create opportunities for review and comment by cities and counties. In the event existing plans are in conflict or an agreement cannot be reached during the plan preparation process, then the Land Conservation and Development Commission expects the affected government units to take steps to resolve the issues. If an agreement cannot be reached, the appeals procedures in ORS Chapter 197 may be used.*

### **C. PLAN CONTENT**

1. *Factual Basis for the Plan Inventories and other forms of data are needed as the basis for the policies and other decisions set forth in the plan. This factual base should include data on the following as they relate to the goals and other provisions of the plan:*
  - (a) Natural resources, their capabilities and limitations*
  - (b) Man-made structures and utilities, their location and condition*
  - (c) Population and economic characteristics of the area*
  - (d) Roles and responsibilities of governmental units.*

Development of the South Cooper Mountain Community Plan began with study and documentation of existing conditions and future needs in the planning area. Land use, transportation, the real estate market, water and sewer infrastructure, stormwater, natural resources, parks, and energy were evaluated as part of the existing conditions assessment.

In consultation with the Oregon Department of State Lands (DSL), the initial draft SCMAA LWI was prepared in 2013 as part of the comprehensive evaluation of existing conditions in the project area. Since adoption of the Plan in 2015, several revisions have been made to the LWI as requested by DSL through ongoing coordination and review.

#### **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces**

*To protect natural resources and conserve scenic and historic areas and open spaces.*

The South Cooper Mountain Community Plan provides opportunities to knit protection of natural resources and conservation of scenic and open spaces with future urban development.

#### Riparian Areas:

Figure 12 of the South Cooper Mountain Community Plan identifies Natural Resources for the Plan area, inclusive of riparian and wetland buffers. In coordination with Clean Water Services (CWS), the city regulates protection of and development impacts to riparian areas. CWS Design and Construction Standards restrict development within sensitive resource areas and adjacent Vegetated Corridor areas.

Within the SCMAA, riparian area boundaries have been defined in accordance with CWS vegetated corridor width determination methods. CWS currently has or will soon have jurisdiction within the SCMAA. Therefore, mapped vegetated corridors<sup>3</sup> in this area are assumed to be jurisdictional resources that have development restrictions. CWS requires all degraded vegetated corridors on a parcel to be improved as a condition of issuing development permits regardless of

---

3

whether the vegetated corridor is impacted. Additionally, mitigation is typically required for unavoidable impacts.

Further, incorporation of *Figure 12: Natural Resources in the Community Plan area*<sup>4</sup> into the Habitat Benefit Area map<sup>5</sup> acknowledged Riparian Wildlife Class I and II as Significant Natural Resources, in compliance with Metro's Title 13. Significant wetlands are included in Figure 12 adopted as part of the Habitat Benefit Area Map.

#### Wetlands:

The City of Beaverton maintains a Local Wetlands Inventory (LWI) consistent with the criteria and procedures for identification of significant wetlands adopted by the state and as approved by the Oregon Department of State Lands (DSL). The citywide LWI adopted in 2000 is contained in Volume III of the comprehensive plan. The technical work related to the current inventory and assessment of wetlands in the SCMAA is included in Exhibit 1.

The initial draft *South Cooper Mountain Annexation Area Local Wetland Inventory* prepared in 2013 identified twelve wetlands and probable wetlands. Three of the identified wetlands were determined to be significant as depicted in Exhibit 2. Preparation of this LWI followed the Oregon Department of State Lands (DSL) rules, specifically Oregon Administrative Rule (OAR) 141-086 for Goal 5 compliance. Wetland functions were evaluated for wetlands greater than one half acre using the Oregon Freshwater Wetland Assessment Method (OFWAM). OFWAM results were used to determine if any of the SCMAA wetlands qualify as "locally significant wetlands" in accordance with criteria set forth in OAR 141-086-0350. Following DSL guidance, probable wetlands were not included in the evaluation of locally significant wetlands.

Table 3 of the LWI report in Exhibit 1 attached hereto summarizes wetland functional assessment results for wetlands one-half acre or greater in size. Of the four wetlands evaluated, three met locally significant wetland criteria – Wetlands W-A, W-C, and W-H as depicted on the map in Exhibit 2. This means at least one of the four functions evaluated rated highly. The remaining wetland did not meet locally significant wetland criteria due to degraded conditions with respect to fish habitat, water quality and hydrologic control. Wetland characterization summary sheets for the four wetlands evaluated to determine significance are found in Appendix C of Exhibit 1.

With adoption of the South Cooper Mountain Community Plan in January 2015, the City acknowledged wetlands W-A, W-C, and W-H identified in the draft *South Cooper Mountain Annexation Area Local Wetland Inventory* (Exhibit 1), as *Locally Significant Wetlands* subject to pending review and approval by the Oregon Department of State Lands (DSL).

The South Cooper Mountain Community Plan is subject to the requirements of Metro's Title 13. The South Cooper Mountain Natural Resources Memo of June 2013 included review of the Community Plan area relative to Title 13 resources and on page 6 states, "Following Metro mapping methods, all areas within 300 feet of streams or wetlands were mapped as well, whether they currently contain native habitat (Class A or B), or are occupied by agricultural lands or non-native grasslands (Class C)."

---

<sup>4</sup> South Cooper Mountain Community Plan, November 2014

<sup>5</sup> HBA map is found in Comprehensive Plan Volume III

### Trees:

Existing regulations regarding riparian corridors, local wetlands, and significant natural resource areas provide for protection of trees within the Community Plan area. Additionally, the City has a recognized development review process for proposed removal of Trees within a Significant Natural Resource Area. Protected Trees, including Trees within a Significant Natural Resource Area carry the highest level of review and mitigation. The *Locally Significant Wetlands* identified in Exhibit 1 and depicted on the map in Exhibit 2 are considered a Significant Natural Resource Area. As such, removal of trees located in a *Locally Significant Wetland* is subject to the highest level of review and mitigation pursuant to Development Code Section 40.90: Tree Plan.

Pursuant to OAR 660-023, the city completed an economic, social, environmental and energy (ESEE) analysis<sup>6</sup> that evaluated potential trade-offs associated with managing significant natural resources (including significant wetlands). Based on the ESEE analysis that evaluated three scenarios to compare the consequences of allowing, limiting or prohibiting conflicting uses, it was concluded that a decision to limit conflicting uses in significant natural resource areas and their impact areas would be appropriate.

### **Goal 6 - Air, Water and Land Resources Quality**

*To maintain and improve the quality of the air, water and land resources of the state.*

The *Comprehensive Plan for the City of Beaverton* addresses storm water and drainage, potable water, and sanitary services within Chapter 5 and addresses air quality, water quality and solid and hazardous wastes within Chapter 8.

Wetlands can provide ecosystem services, including water storage, retention and conveyance, flood control, pollution control and detoxification, groundwater recharge/discharge, erosion protection and habitat for resident or transient species, and nutrient recycling<sup>7</sup>.

### **Goal 10 - Housing**

Statewide Planning Goal 10 calls on cities and counties “to provide for the housing needs of citizens of the state”, and requires that comprehensive plans include, at a minimum, the following:

- an inventory of buildable lands;
- a comparison of the distribution of the existing population by income with the distribution of available housing units by cost;
- a determination of vacancy rates, both overall and at varying rent ranges and cost levels;
- a determination of expected housing demand at varying rent ranges and cost levels;
- allowances for a variety of densities and types of residences in each community; and
- an inventory of sound housing in urban areas including units capable of being rehabilitated.

---

<sup>6</sup> Memorandum, Goal 5 Analysis – South Cooper Mountain, December 24, 2015

<sup>7</sup> Ibid.

The 2015 Housing Strategies Report forecasts a shortage of land available for single family residential land within the City, whereas a surplus is anticipated in the City's Urban Service Boundary over the 20-year planning period.

The LWI effectively removes approximately 24 acres from the inventory of land available for development of housing in the SCMAA. However, specific wetland boundaries are not determined until a surveyed delineation is performed subject to approval by DSL. Wetlands over ½ acres in size fall under the jurisdiction of DSL and the US Army Corps of Engineers. Regulations imposed by these agencies restrict development activities impacting delineated wetlands. Where there are unavoidable impacts to regulated wetlands, compensatory mitigation is required under the state Removal-Fill Law (ORS 196.800 through 196.990).

The economic, social, environmental and energy (ESEE) analysis<sup>8</sup> completed for the SCMAA found the net effect of *limiting* conflicting uses is positive for residential development. The program recommendation based on the ESEE analysis is to allow conflicting uses (including residential development) in a limited way that protects the resource to a desired extent or requires mitigation of loss of natural resources and associated values and functions.

### **Goal 11 - Public Facilities and Services**

*To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Generally speaking, public facilities and services are available for the subject properties as the needed facilities and service providers are identified. At the time of proposed development of the subject properties in the future, site specific issues related to public facilities and services will be addressed as part of the development review process.

The ESEE analysis<sup>9</sup> found that prohibiting public and private utilities in locally significant wetlands and their 50-foot adjacent impact area could preclude development of an efficient system thus creating the need for additional pump stations, or other engineered solutions. The ESEE recommends limiting conflicting uses, including utilities, in wetlands, while recognizing that public and private utilities may require a greater degree of flexibility to allow for the crossing of resources and the temporary impacts associated with underground utilities.

### **Goal 12 - Transportation**

*To provide and encourage a safe, convenient and economic transportation system.*

Volume 4 of the Comprehensive Plan contains the City's adopted TSP, effective October 21, 2010. OAR 660-012-0060 requires local governments to review Comprehensive Plan and land use regulation amendments with regard to the effect of the amendment on existing or planned transportation facilities.

The ESEE analysis<sup>10</sup> found that the positive environmental benefits of prohibiting construction of transportation facilities in wetlands or their 50-foot wide adjacent impact areas are balanced with the negative economic consequences of increased out-of-direction-travel and vehicle miles traveled.

---

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.



### **Goal 13 - Energy Conservation**

*To conserve energy.*

Section 7.5 of the *Comprehensive Plan for the City of Beaverton* outlines goals and policies for energy conservation, solar energy and renewable energy development. Energy conservation can be addressed in several ways. The variety of allowed development types provided for in the South Cooper Mountain Community Plan offers opportunities for residents, employees, and visitors of the subject parcels to rely on services within reasonable walking and biking distances. The combination of transportation options and mix of land uses is expected to reduce per capita energy consumption.

The positive and negative energy consequences associated with allowing, limiting, or prohibiting conflicting uses to impact locally significant wetlands and impact areas are presented in the 2015 ESEE<sup>11</sup>. The cumulative net energy effects of *limiting* conflicting uses are presented in Table B-5 of the ESEE Memorandum (Exhibit 3). As shown in Table B-5, the net effect of limiting conflicting uses is positive for all four categories, primarily due to the positive social and energy consequences.

### **Goal 14 - Urbanization**

*To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Adoption of the South Cooper Mountain Community Plan allows the City of Beaverton to implement urban land use designations in place of rural land use designations in conformance with the requirements of Metro's Title 11 requirements 3.07.1110 Planning for Areas Designated Urban Reserve and 3.07.1120 Planning for Areas Added to the UGB. Implementation of the Plan allows for development of the subject area in a manner consistent with planning efforts to accommodate urban populations and urban employment inside the UGB through efficient use of land at approximately 15 dwelling units per net residential acre and provision for a livable community inclusive of a pedestrian-friendly network, availability of neighborhood-level commercial, and civic uses.

The Plan also includes natural resource policies intended to provide for protection and enhancement of resources, including locally significant wetlands, consistent with local, state, and federal regulations.

**Summary Finding:** Staff finds that, for the reasons identified above, the proposed amendment adding the SCMAA LWI to Volume III of the Comprehensive Plan complies with relevant statewide Goals 1, 2, 5, 6, 9, 10, 11, 12, 13 and 14 and OARs, and further finds that Goals 3, 4, 8 and 15 through 19 are not applicable. Criterion 1.5.1.A is met.

**A. The proposed amendment is consistent and compatible with the applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan;**

## **Chapter 3.07 Urban Growth Management Functional Plan**

---

<sup>11</sup> Ibid.

### ***Title 13: Nature In Neighborhoods***

Metro Code Sections 3.07.1310 - 3.07.1370

The City, as a member of the Tualatin Basin Natural Resources Coordinating Committee (TBNRCC), implemented a program that complies with Title 13. The City has also enacted Comprehensive Plan and Development Code regulations that comply with Title 13 as part of the TBNRCC program.

Locally significant wetlands recognized by the city at the time of adoption of the South Cooper Mountain Community Plan are included in the in the Natural Resources Map for the South Cooper Mountain Community Plan Area that was added to the City's existing Habitat Benefit Areas Map.

The City's current Title 13 implementation is accomplished through *Section 60.12: Habitat Friendly Development Practices* of the *Development Code* that applies to all of mapped habitat classes on the proposed Habitat Benefit Area Map (aka Natural Resources Map). This approach includes Upland Wildlife Habitat Class C which is not required by Metro Title 13, but will allow use of credits against other development requirements at the time of a development proposal. Implementation of Section 60.12 has ancillary benefits to wetlands and their impact areas by providing incentives for enhancement of adjacent riparian and upland areas.

### ***Chapter 3.08 Regional Transportation Functional Plan (RTFP)***

The RTFP was adopted as part of the 2035 RTP (Regional Transportation Plan) in June 2010. Section 3.08.010 of the RTFP states, "The RTFP implements the Goals and Objectives in section 2.3 of the RTP and the policies of the RTP and its constituent..." Metro will reviews Map Amendments in light of Title 5, Amendment of Comprehensive Plans, Section 3.08.510, Amendments of City and County Comprehensive and Transportation System Plans.

### ***Title 5: Amendment of Comprehensive Plans***

#### ***3.08.510 Amendments of City and County Comprehensive and Transportation System Plans***

- A. When a city or county proposes to amend its comprehensive plan or its components, it shall consider the strategies in subsection 3.08.220A as part of the analysis required by OAR 660-012-0060.***
- B. If a city or county adopts the actions set forth in subsection 3.08.230E and Title 6 of the UGMFP, it shall be eligible for the automatic reduction provided in Title 6 below the vehicular trip generation rates reported by the Institute of Transportation Engineers when analyzing the traffic impacts, pursuant to OAR 660-012-0060, of a plan amendment in a Center, Main Street, Corridor or Station Community.***

The findings for Statewide Planning Goal 12, addressed earlier in this report, are applicable to these sections of the RTFP.

The subject proposal does not include amendments related to subsection 3.08.230E.

- C. If a city or county proposes a transportation project that is not included in the RTP and will result in a significant increase in SOV capacity or exceeds the planned function or capacity of a facility designated in the RTP, it shall demonstrate consistency with the following in its project analysis:***

1. *The strategies set forth in subsection 3.08.220A (1) through (5);*
  2. *Complete street designs adopted pursuant to subsection 3.08.110A and as set forth in Creating Livable Streets: Street Design Guidelines for 2040 (2nd Edition, 2002) or similar resources consistent with regional street design policies; and*
  3. *Green street designs adopted pursuant to subsection 3.08.110A and as set forth in Green Streets: Innovative Solutions for Stormwater and Street Crossings (2002) and Trees for Green Streets: An Illustrated Guide (2002) or similar resources consistent with federal regulations for stream protection.*
- D. *If the city or county decides not to build a project identified in the RTP, it shall identify alternative projects or strategies to address the identified transportation need and inform Metro so that Metro can amend the RTP.*
- E. *This section does not apply to city or county transportation projects that are financed locally and would be undertaken on local facilities.*

The proposal is a Comprehensive Plan Amendment to add the SCMAA LWI to Volume III of the Comprehensive Plan. No other amendments to the text and maps of the Comprehensive Plan are proposed. This proposal does not include a development action.

**Summary Finding:** Staff finds that, for the reasons identified above, the proposed amendment complies with applicable Titles of the Metro Urban Growth Management Functional Plan and the Regional Transportation Plan.

***A. The proposed amendment is consistent and compatible with the Comprehensive Plan and other applicable local plans;***

Chapters 1, 2, and 7 of the *Comprehensive Plan for the City of Beaverton* include policies that are applicable to this Comprehensive Plan Map Amendment. Chapters 1 and 2 are addressed above in the staff report. Staff finds that no other local plans are applicable to this proposal.

***Chapter 7 - Natural, Cultural, Historic, Scenic, Energy and Groundwater Resources Element***

<b>7.1.1 Goal: Balance development rights with natural resource protection.</b>
---

**Policies:**

- a) Coordinate resource protection programs with affected local, state, and federal regulatory agencies, and notify them of development proposals within natural resource areas.

**Action 1:** *Adopt land use processes to incorporate notification to appropriate agencies as part of the development review process.*

**Action 2:** *Continue membership and activity within the Tualatin Basin Natural Resources Coordinating Committee.*

**Action 3:** *Encourage the use of the habitat friendly development practices of low impact development techniques through the Pre-Application Conference.*

**Action 4:** Proactively lead the way with development of city buildings by using habitat friendly development practices and low impact development techniques.

- b) Where adverse impacts to Significant Natural Resources cannot be practicably avoided, require mitigation of the same resource type commensurate with the impact, at a location as close as possible to the impacted resource site.
- c) Allow for relaxation of development standards to protect significant natural and historic resources. Such standards may include but are not limited to minimum setbacks, maximum building height, minimum street width, location of bicycle, pedestrian and multi-use paths, etc.

**Action 1:** Adopt and apply land use regulations that allow and encourage habitat friendly and low impact development practices within habitat benefit areas, and where appropriate, throughout the city.

**Action 2:** Adopt and apply a system to allow flexibility in applying the site development standards when development employs low impact development techniques and habitat friendly development practices.

**Action 3:** Adopt and apply an incentive program to encourage the use of the low impact development techniques and habitat friendly development practices.

- d) City policies or regulations shall not interfere with actions necessary for nuisance abatement or protecting the safety, health and welfare of Beaverton's citizens.
- e) Upon annexation of unincorporated properties with County Goal 5 natural resource designations, the City shall rely on the Urban Planning Area Agreement with Washington County to determine the appropriate City designation.

**Action 1:** The City shall work with Washington County to periodically update the UPAA to ensure compatibility in Goal 5 resource inventories, significance determination, and program decisions.

As addressed in response the Statewide Planning Goal 5, above, the South Cooper Mountain Community Plan area provides opportunities to knit protection of natural resources and conservation of scenic and open spaces with future urban development.

The proposed amendment adding the SCMAA LWI to the Comprehensive Plan is supported by the ESEE analysis in Exhibit 3 that contains a recommendation to limit conflicting uses consistent with Goal 7.1.1.

### **7.3.1 Significant Natural Resources**

<b>7.3.1.1 Goal: Conserve, protect, enhance or restore the functions and values of inventoried Significant Natural Resources.</b>
---

#### **Policies:**

- a) Inventoried natural resources shall be conserved, protected, enhanced or restored:
  - to retain the visual and scenic diversity of our community;

- for their educational and recreational values;
  - to provide habitats for fish and wildlife in our urban area.
- b) Conserve, protect and enhance natural resource sites and values through a combination of programs that involve development regulations, purchase of land and conservation easements, educational efforts, and mitigation of impacts on resource sites.

**Action 1:** *Establish acquisition programs for Significant Goal 5 Resources; prepare and maintain a long-range list of priority resource locations for public acquisition.*

**Action 2:** *Facilitate and encourage habitat friendly development practices and low impact development through flexibility in site development standards and reduction in surface water management fees and systems development charges.*

- c) Inventoried natural resources shall be incorporated into the landscape design of development projects as part of a site development plan, recognizing them as amenities for residents and employees alike.
- d) The City shall rely on its site development permitting process as the mechanism to balance the needs of development with natural resource protection.

**Action 1:** *For properties located within significant natural resource areas, the City shall consider relaxation of its development standards where necessary to accomplish protection of riparian, and wetland and significant upland habitat areas. Such standards include, but are not limited to, setbacks, building height, street width, location of bike paths, etc. Where the combination of riparian, wetlands, and other requirements would result in an unbuildable lot, such a situation may be relevant to a decision that may grant a hardship variance.*

**Action 2:** *City Staff will provide pre-application conferences to developers of property to provide available information and to discuss alternative methods of development acceptable to meet the adopted policies and ordinance standards.*

**Action 3:** *Adopt and apply land use regulations that require integration of natural features with the overall design of developments. Natural features include, but are not limited to, wetlands and water areas, intermittent and perennial streams, riparian corridors, urban forests and significant individual or community trees, slopes, geologic hazards, flooding, and erosion prone soils.*

**Action 4:** *Adopt and apply land use regulations that will minimize impacts from adjacent uses. Development Code design criteria shall be adopted that address the following considerations:*

- *Land uses immediately adjacent to protected resource areas should be designed to physically separate human activity from the resource activity. Preferred development abutting the resource should be 1) buildings with entrances oriented away from the resource area, and then 2) roadways with limited or no street parking with 3) parking lots as the lowest preference.*
- *Garbage facilities and materials storage areas should be located away from habitat areas.*
- *Habitat areas should be preserved as a few large connected areas, rather than many disconnected small areas and should be designed to minimize the amount of habitat edge*

*exposed to development areas.*

- *Existing native vegetation should be retained to provide wildlife habitat. Snags and dying trees should be left in protected wildlife areas for wildlife use.*
- *To minimize disturbances to wildlife, lights for buildings and parking areas should be screened, and the light should be directed away from the protected habitat areas,*
- *Walkways should not bisect wildlife areas. If walkways do encroach upon wildlife areas, security lighting should be designed to shine primarily on the path and avoid shining directly into habitat areas.*

*Regulations to address the above considerations shall not compromise public safety.*

**Action 5:** *Adopt and apply regulations for resource areas, mitigation sites, areas adjacent to natural areas, wetlands, and tree groves that include but are not limited to the following requirements:*

- *Require use of native vegetation in mitigation areas and riparian buffers. Seed-and fruit-producing native plants with aesthetic value should be incorporated into the landscaping at locations adjacent to wildlife habitat areas.*
- *Allow for buffer averaging in order to create opportunities for habitat protection and enhancement while accommodating urban forms of development.*

- e) Development within Significant Natural Resource areas shall be consistent with the relevant regulations or guidelines of the National Marine Fisheries Service, U.S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, U.S. Army Corps of Engineers, Oregon Division of State Lands, Clean Water Services, and the Oregon Department of Environmental Quality.

**Action 1:** *During pre-application conferences for developers, City staff will attempt to identify any Federal, State, or local requirements and regulations affecting sites in Significant Natural Resource areas.*

**Action 2:** *The City will continue to monitor and review policies and regulations as necessary, to ensure consistency with Federal, State, and service providers' guidelines and regulations.*

- f) Specific uses of or development activities in Significant Natural Resources areas shall be evaluated carefully and those uses or activities that are complementary and compatible with resource protection shall be permitted. This is not intended to prohibit a land use permitted by the underlying zoning district but only to regulate the design of development such as building or parking location or type of landscaping.
- g) Limited alteration or improvement of Significant Natural Resource areas may be permitted so long as potential losses are mitigated and "best management practices" are employed.
- h) Roads and utilities, which must be located within, or traverse through, a Significant Natural Resource Area, shall be carefully planned and aligned so as to minimize loss and disruption. A rehabilitation or restoration plan shall be a necessary component. The City should allow variations from standard street sections in these areas.

The City proposes adoption of the SCMAA LWI subject to final DSL review and approval.

The Habitat Benefit Area Map (aka Natural Resources Map) for South Cooper Mountain Community Plan area was adopted as part of the Community Plan amendments in January 2015. Discussion of these resources is provided within responses to Statewide Planning Goal 5 and Metro UGNFP Title 13, above. Locally significant wetlands identified in the LWI are included in the Habitat Benefit Area Map and are considered a Significant Natural Resource Area subject to the policies of Goal 7.3.1.1.

### **7.3.3 Significant Wetlands**

The Local Wetland Inventory is part of the Statewide Planning Goal 5 Inventory Resource documents. Significant wetlands are found within Appendix A, Table 5 of the Local Wetland Inventory. The Significant Wetlands designation must comply with the policies and actions set forth in Section 7.3.1 as well as those promulgated in this section.

#### **7.3.3.1 Goal: *Protect or enhance wetlands adopted as Significant Wetlands in the Local Wetland Inventory.***

##### **Policies:**

- a) Significant Wetlands in the Local Wetland Inventory shall be protected for their filtration, flood control, wildlife habitat, natural vegetation and other water resource values.
- b) Development within the buffer area adjacent to a significant wetland shall be subject to restrictions on building, grading, excavation, placement of fill, and native vegetation removal.

**Action 1:** *Amend the City regulations and development standards as appropriate, to ensure compliance with Clean Water Services Design and Construction Standards provisions for encroachment.*

- c) Where development is constrained due to wetland protection regulations, a hardship variance may be granted if approval criteria are met.

**Action 1:** *Amend the implementing ordinances as appropriate to ensure compliance with Clean Water Services Design and Construction Standards provisions for a hardship variance.*

**Finding:** Staff finds that the proposed amendment to add the SCMAA LWI to Volume III of the Comprehensive Plan is consistent with the relevant goals and policies found in Chapter 7.

## **Development Code Section 60.67. SIGNIFICANT NATURAL RESOURCES**

**60.67.05. Local Wetland Inventory.** Prior to issuing a development permit, the Local Wetland Inventory map shall be reviewed to determine if the site proposed for development is identified as the location of a significant wetland.

- 1. Development activities and uses permitted on a proposed development site identified as the possible location of a significant natural resource, including significant wetlands shall be subject to relevant procedures and requirements specified in Chapter 50, of this ordinance.
- 2. Upon City's determination that a site contains wetland as identified on the Local Wetland Inventory map, notice of the proposed development shall be provided to the Division of State Lands (DSL) in a manner and form prescribed by DSL pursuant to ORS requirements.

Section 1.5.3 outlines the criteria for Statewide Planning Goal 5 Inventory Resource Document (Volume III) Comprehensive Plan Amendments.

- A. Local Wetland Inventory Amendments require following the criteria for adoption of a local wetland inventory found within Oregon Revised Statutes and Oregon Administrative Rules (as of November 2004, ORS 196 and OAR 141-086 and OAR 660-023).**

#### ***OAR 141-086-0180 Purpose***

Pursuant to Oregon Revised Statutes (ORS) 196.674 pertaining to the Statewide Wetlands Inventory (SWI), these rules establish a system for uniform wetland identification and comprehensive mapping. These rule also establish wetlands inventory standards for cities or counties development a wetland conservation plan (WCP) pursuant to ORS 196.678. A Local Wetlands Inventory (LWI) is developed for all or a portion of a city or county according to the standards and guidelines contained in these rules (OAR 141-086-0180 through 141-086-0240).

The introduction of the LWI report (Exhibit 1) provides the regulatory context and requirements for conducting an LWI. In this instance, the LWI was prepared for a portion of the city of Beaverton – the SCMAA-and conformed to the applicable statute and associated OARs cited above.

OAR 660-023 establishes procedures and criteria for inventorying and evaluating Goal 5 resources (including wetlands) and for developing land use programs to conserve and protect significant Goal 5 resource.

The SCMAA LWI was prepared in accordance with Goal 5 requirements as discussed above under the section on Statewide Goal 5. The ESEE analysis was further conducted in conformance with OAR 660-023 as described in the Memorandum in Exhibit 3.

**Finding:** Adoption of the SCMAA is proposed to be accomplished through a legislative amendment to the comprehensive plan consistent with the relevant statute and OARs specified in this criterion. Therefore, staff finds that this criterion is met.

**Summary Findings for CPA2015-0008: Based on the facts and findings presented, staff conclude that the proposed text and map amendments to Volume III of the Comprehensive Plan are consistent with all Legislative Comprehensive Plan amendment approval criteria set forth in Section 1.5.1.A. through D and Section 1.5.3.A.**

#### **5. Staff Recommendation**

Based on the facts and findings outlined in this staff report and contained in supporting documents, staff recommends the following steps for the January 27, 2016 public hearing for CPA2015-0008, addition of the SCMAA LWI to Volume III of the Comprehensive Plan:

- A. Open the public hearing.
- B. Receive all public testimony.
- C. Close the public hearing.



- D. Considering the public testimony and the facts and findings presented in the staff report and supporting documents, deliberate on policy issues and other issues identified by the Commission or the public.
- E. Recommend **APPROVAL** of proposed legislative text and map amendments in CPA2015-0008 to the City Council.

## **6. Exhibits**

Exhibit 1. South Cooper Mountain Annexation Area Local Wetland Inventory,  
September 2015 Draft

Exhibit 2. Map of Locally Significant Wetlands in South Cooper Mountain

Exhibit 3. South Cooper Mountain Economic, Social, Environmental and Energy (ESEE)  
Analysis for Goal 5 Natural Resources

Exhibit 4. Summary of January 14, 2016 LWI Property Owner Meeting